

August 2, 2006 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

06AN0332

Stephen P. Lindberg

Matoaca Magisterial District
21431 Genito Road

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes in an Agricultural (A) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.
- B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.
- C. Approval of this request will set a precedent for future Variances to build homes along this private access easement.

GENERAL INFORMATION

Location:

This request lies on 105.82 acres and is known as 21431 Genito Road. Tax ID 691-691-0866. Access will be across Tax ID 690-693-Part of 9121 (Sheet 8).

Existing Zoning:

A

Size:

105.82 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Residential and vacant

South - A; Residential and vacant

East - A; Residential and vacant

West - A; Residential and vacant

Utilities:

Private well and septic system

General Plan:

(Southern and Western Area Plan)

Rural conservation use

DISCUSSION

The applicant requests a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The applicant has indicated the access to the subject property will be over a fifty (50) foot private easement from Point A to Point B, as shown on the attached plat.

The applicant provides the following justification in support of this request:

This property consists of over 100 acres and has no state road frontage. The property has had illegal divisions in 1993 and 1994. The subject property has deeded access to Genito Road. We would like to bring this parcel into compliance with the current Zoning Ordinance requirements. I would like to eventually do a lot line modification of this parcel that will increase the acreage from its current size to 116.306 acres.

The subject property consists of 105.82 acres and is owned by Betty B. Goode. The Chesterfield Department of Real Estate Assessment's records indicated that Betty B. Goode has owned the subject property since April 29, 1960. Their records also indicate that there have been several divisions of the parent parcel of 158.57 acres. One or more of these divisions may have been illegal,

also, making the subject property an illegal lot. The applicant has indicated he is proposing to purchase part of the access property at 21321 Genito Road from Ms. Goode. The remaining portion of 21321 Genito Road, Ms. Goode is proposing to combine with the subject property. But before any further modifications of property will be allowed, the subject property must be made legal through the Variance for no public road frontage process. The applicant has indicated Ms. Goode is not planning on developing the subject property at this time but would like to obtain a Variance for no public road frontage to bring the property into compliance with the present Zoning Ordinance. In order to develop this property for residential purposes it would need to meet all standards set forth in the Subdivision and Zoning Ordinances relative to the zoning district. The Subdivision Ordinance states "parcel and/or lots recorded prior to January 1, 1980, shall be considered buildable if they meet all standards relative to the appropriate zoning district. If frontage and width standards cannot be met, the parcel or lot is eligible to apply for a Variance". The applicant has indicated they have no road frontage. Therefore, the applicant is applying for relief to the Zoning Ordinance relative to the fifty (50) foot road frontage requirement (Section 19-551).

The Board of Zoning Appeals hears requests for no public road frontage, when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family, or complies with the plat validation process. In this case, the applicant must comply with the plat validation process.

Staff inspected the subject property and observed that an existing ten (10) to fifteen (15) foot private dirt/gravel driveway that will be used to ingress and egress the subject property. There are five (5) other dwelling using this road to access their property.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Conditions 2(b), 2(c) and 2(e) address their concerns.

As required by the Zoning Ordinance, the applicant has provided no information that would serve as a basis for granting this Variance. No physical surrounding shape or topographical conditions exist on the property that would present a particular hardship to the property owner if this Variance were denied. There are no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

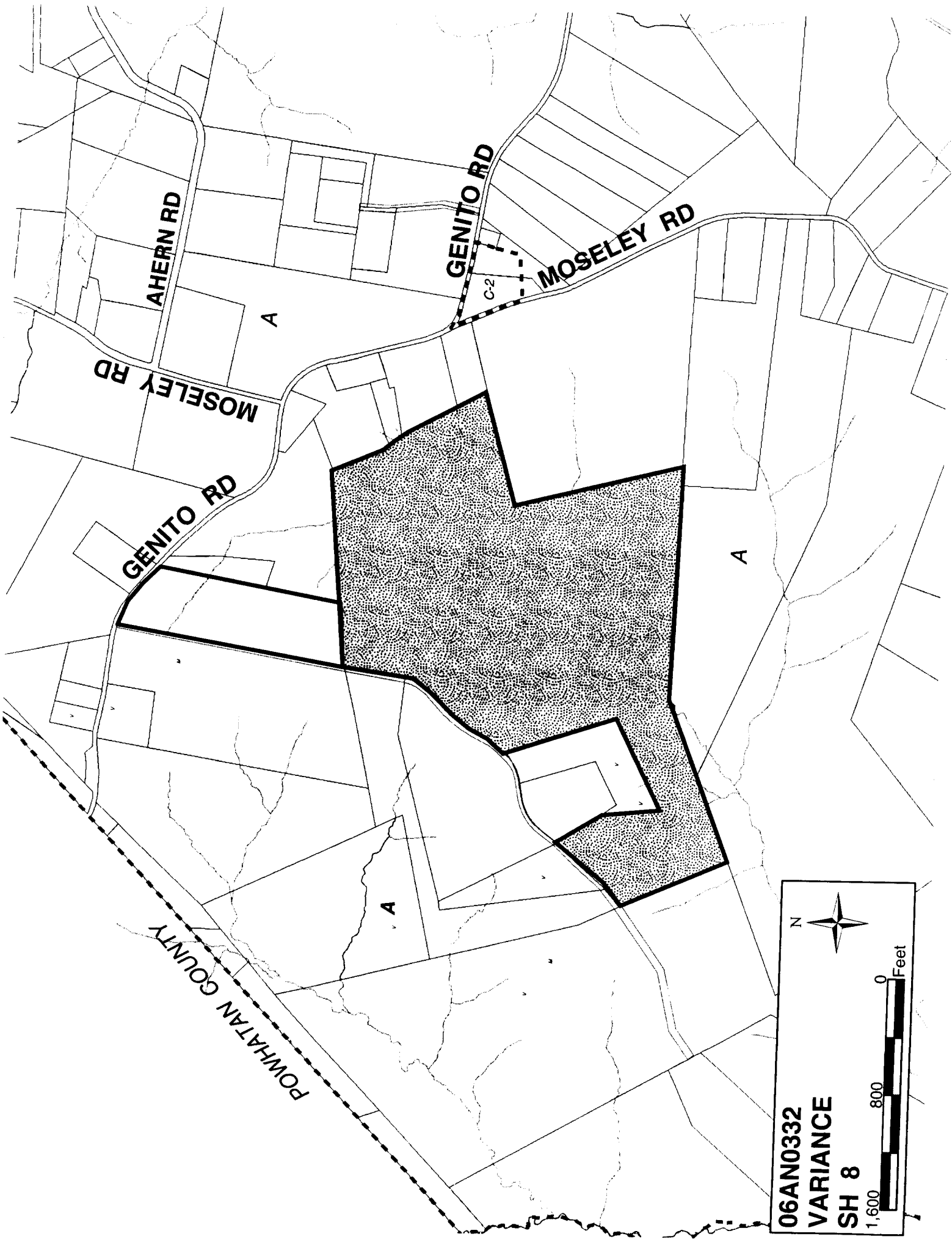
CONDITIONS

1. When the applicant applies for a building permit, the applicant shall provide a copy of a recorded instrument which will include:

A fifty (50) foot wide private access easement from Point A to Point B as shown on the plat attached to the staff report.
2. The private access easement shall meet the following requirements:
 - (a) The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below;
 - (b) A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine its compliance with the following standards:
 - (c) The roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - (d) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - (e) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (f) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
 - (g) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (h) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.
3. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to

the property. The house numbers shall be displayed in at least four (4) inch high numbers.

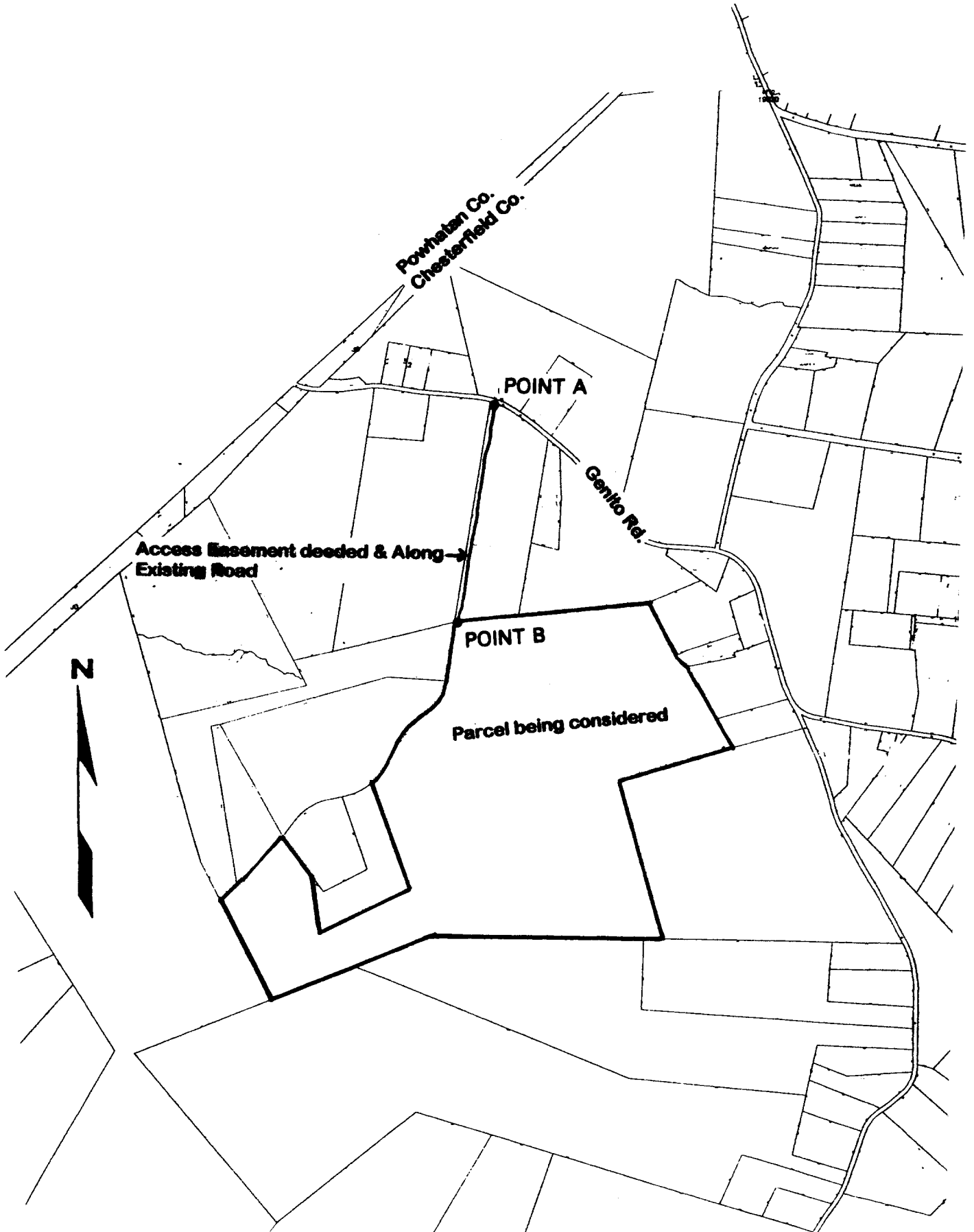
4. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided.



06AN0332
VARIANCE
SH 8

1,600 800 0 Feet

N



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